

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0075V

UNPUBLISHED

GALIA GREENBERG,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 15, 2020

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA)

Jessica Olins, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On January 15, 2019, Galia Greenberg filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a left Shoulder Injury Related to Vaccine Administration (SIRVA) as a result of an influenza vaccination received on October 25, 2016. Petition at 2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 27, 2020, a ruling on entitlement was issued, finding Petitioner entitled to compensation for a left SIRVA. ECF 23. On October 15, 2020, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$62,376.12, consisting of \$60,000.00 in past and future pain and suffering and \$2,376.12 in past unreimbursable expenses. Proffer at 1. In the Proffer, Respondent represented

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$62,376.12 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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No. 19-75V

Chief Special Master Corcoran
ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On January 15, 2019, Galia Greenberg ("petitioner") filed a petition for vaccine injury compensation alleging that she suffered a left shoulder injury related to vaccine administration ("SIRVA"), a Table Injury, due to an influenza ("flu") vaccine administered on October 25, 2016. *See* ECF No. 1. Respondent filed his Rule 4(c) Report conceding entitlement to compensation on March 26, 2020. *See* ECF No. 22. The Court issued a Ruling on Entitlement on March 27, 2020. *See* ECF No. 23.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of \$62,376.12, consisting of past and future pain and suffering (\$60,000.00) and past unreimbursable expenses (\$2,376.12). This represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).¹ Petitioner agrees.

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future damages.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$62,376.12 in the form of a check payable to petitioner.²

Petitioner agrees.

Respectfully submitted,

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s/Lisa A. Watts

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DATED: October 15, 2020

² Petitioner is a competent adult. Proof of guardianship is not required in this case.